

Notice of Allowability

Application No.

10/777,184

Examiner

Jerrold Johnson

Applicant(s)

FRENKIL, LEONARD

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview 26 September 2006.
2. ☒ The allowed claim(s) is/are 44-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date concurrent.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ALLOWANCE

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Hatcher on 26 September 2007.

The application has been amended as follows:

In the claims:

All previously submitted claims 1-43 are cancelled.

The following new claims 44-68 are entered and allowed:

44. (New) A sealable bag comprising:

a pouch defined by one or more sections of substantially airtight material joined together in a substantially airtight manner such that a single unsectioned opening having at least one end is left for accessing said pouch;

a substantially airtight sealing system in association with said unsectioned opening; and

a blocking structure substantially permanently attached to said sections of substantially airtight material near said unsectioned opening proximate to said end;

wherein said substantially airtight sealing system is an interlocking tongue and groove system and said blocking structure is a tab-like spacer comprising a first end and a second end, said first end attached to one of said sections of substantially airtight material at said unsectioned opening such that said second end is capable of placement in said unsectioned opening.

45. (New) The sealable bag of claim 44, wherein said interlocking tongue and groove system is molded integrally with said sections of substantially airtight material.

46. (New) The sealable bag of claim 44, wherein said interlocking tongue and groove system is affixed parallel to the edges of said fourth unsealed sides in close proximity to said unsectioned opening.

47. (New) The sealable bag of claim 44, wherein said interlocking tongue and groove system is affixed to the edges of said fourth unsealed sides.

48. (New) The sealable bag of claim 44, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

49. (New) The sealable bag of claim 44, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

50. (New) The sealable bag of claim 44, wherein said one or more sections of substantially airtight material joined together in a substantially airtight manner comprises opposing substantially rectangular panel sections wherein three sets of sides of the rectangular panel sections are sealed in a substantially airtight manner leaving the fourth set of sides unsealed and defining said unsectioned opening.

51. (New) The sealable bag of claim 50, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

52. (New) The sealable bag of claim 50, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

53. (New) A sealable bag comprising:

a pouch defined by one or more sections of substantially airtight material joined together in a substantially airtight manner such that a single unsectioned opening having at least one end is left for accessing said pouch;

a substantially airtight sealing system in association with said unsectioned opening; and

a blocking structure substantially permanently attached to said sections of substantially airtight material near said unsectioned opening proximate to said end;

wherein said substantially airtight sealing system is an interlocking tongue and groove system and said blocking structure is a generally thin and elongated spacer comprising a first end and a second end, said first end attached to one or more of said sections of substantially airtight material near said unsectioned opening such that said second end may be inserted in said unsectioned opening.

54. (New) The sealable bag of claim 53, wherein said interlocking tongue and groove system is molded integrally with said sections of substantially airtight material.

55. (New) The sealable bag of claim 53, wherein said interlocking tongue and groove system is affixed parallel to the edges of said fourth unsealed sides in close proximity to said unsectioned opening.

56. (New) The sealable bag of claim 53, wherein said interlocking tongue and groove system is affixed to the edges of said fourth unsealed sides.

57. (New) The sealable bag of claim 53, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

58. (New) The sealable bag of claim 53, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

59. (New) The sealable bag of claim 53, wherein said one or more sections of substantially airtight material joined together in a substantially airtight manner comprises opposing substantially rectangular panel sections wherein three sets of sides of the rectangular panel sections are sealed in a substantially airtight manner leaving the fourth set of sides unsealed and defining said unsectioned opening.

60. (New) The sealable bag of claim 59, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

61. (New) The sealable bag of claim 59, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

62. (New) An evacuation system for a sealable bag comprising:
a substantially airtight bag with a single continuous opening;

a substantially airtight sealing system affixed to said bag for sealing said opening wherein said substantially airtight sealing system has at least one substantially permanently sealed end; and,

a spacer substantially permanently attached to said bag near said opening at the substantially permanently sealed end of said substantially airtight sealing system, said spacer having at least one end, said end capable of temporary placement in said opening such that said substantially airtight sealing system is prevented from completely sealing.

63. (New) The evacuation system of claim 62, wherein said substantially airtight sealing system is an interlocking tongue and groove system.

64. (New) The sealable bag of claim 62, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

65. (New) The sealable bag of claim 62, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

66. (New) The sealable bag of claim 62, wherein said substantially airtight bag comprises opposing substantially rectangular panel sections wherein three sets of sides of the rectangular panel sections are sealed in a substantially airtight manner leaving the fourth set of sides unsealed and defining said opening.

Art Unit: 3728

67. (New) The sealable bag of claim 66, wherein said blocking structure is integrally molded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

68. (New) The sealable bag of claim 66, wherein said blocking structure is welded to said sections of substantially airtight material near said unsectioned opening proximate to said end.

REASONS FOR ALLOWANCE/INTERVIEW SUMMARY

The following is an examiner's statement of reasons for allowance:

Miniea US 6,045,264 does not show among other elements a single unsectioned opening. Miniea's inventive concept is a two sectioned opening with one of the sections being used for evacuation.

Post US 2,789,609 does not explicitly or implicitly disclose that his flexible tabs 25 are of sufficient flexibility to meet the claim language of being capable of placement in the unsectioned opening. The exact material or its flexibility is not disclosed. Accordingly, the Examiner's assertion that the tabs 25 have a structure that is inherently cable of functioning in the manner claimed is not supported.

Additionally, the claims set forth that the tab is proximate the end of the unsectioned opening. The first version of Post shown in Fig. 1 shows the tab 25 in the middle of the bag and clearly not proximate to the end of the opening. In the second version shown in Fig. 4 the bag is shown in a cut-away view, and the edges of the bag are not shown. Accordingly, the exact position of the tabs 25 relative to the end of the opening is not disclosed. However, as was argued, there would be no reason to put the tab proximate to the end, as at a position proximate to the end, the tab would not have its desired functionality of being used to open the bag as is shown in Fig. 3. Stated differently, were the tab proximate to the end of the unsectioned opening, the tab would be pulling material that is restrained from movement due to its proximity to the attached edges of the bag. Such a placement would not be logical.

Accordingly, the claims define over Miniea and Post.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDJ


Mickey Yu
Supervisory Patent Examiner
Group 3700